

From: [MCCLINCY Matt](#)
To: [Peter deFur](#); [WEINBERGER Dawn](#)
Cc: [WILLIAMS Travis](#); [ANDERSON Jim M](#); [Chip Humphrey/R10/USEPA/US@EPA](#); [Kristine Koch/R10/USEPA/US@EPA](#)
Subject: RE: Arkema and future documents
Date: 03/19/2009 01:07 PM

Peter,

DEQ certainly wants you to have the information you need to be effective in your role as TAG advisor. It would be great if I could just waive my hand and get you what you asking for, but it is just not that simple. To put things in perspective, the scope of your request represents the largest request for DEQ documents that I am aware of. So, how to get you what you need?

DEQ has not set up a web system for posting and downloading upland project documents. This is something that might happen in the future, but we have no immediate plans for one. EPA is maintaining web pages for the in-water early action projects (e.g., Gasco and Arkema) and is posting many of the upland documents for download. Furthermore, many of our submittals are received in hard-copy form only.

DEQ does provide or has upland parties provide significant Portland Harbor project documents to EPA. This was the rational for suggesting that you work through EPA for some of the background documents you are after. Given your relationship with EPA and their resources, I encourage you to explore this option. Since most of the current documents distributed to EPA are coming directly from upland parties, it is unlikely that adding you to the distribution list will work to everyone's satisfaction. The facilities are not under any obligation to do so, and we have no easy way of tracking what you are not receiving.

If you want to check in with me on a monthly basis, I can let you know what the significant source control activities are and help focus your document interest. On a limited basis, I can forward documents directly to you. However, if you are really after "All" upland documents through the State, please give me a call so that we can prioritize your request and work on a schedule for getting you cost estimates for the documents.

Matt McClincy
Oregon Department of Environmental Quality
Northwest Region
2020 SW Fourth Ave., Suite 400
Portland, Oregon 97201-4987
Phone 503-229-5538
Fax 503-229-6945

-----Original Message-----

From: Peter deFur [mailto:pldefur@igc.org]
Sent: Wednesday, March 18, 2009 7:39 AM
To: MCCLINCY Matt; WEINBERGER Dawn
Cc: WILLIAMS Travis
Subject: RE: Arkema and future documents

Matt-

Thank you for the reply and for adding me to the DEQ list for email notices.

I would like to receive electronic versions of the documents, or notices of availability and location where they can be downloaded, for all the upland work that is adjacent to the Portland Harbor Superfund site. As the TAG advisor, the clients expect me to have a grasp of all the activities that are taking place in water and upland from the Harbor cleanup. Despite the fact that there are 60 individual parcels, I do need to know the material in these documents and provide input where relevant and appropriate.

This email serves as my official request to receive documents regarding the cleanup of upland sites and source control activities in the Portland Harbor area.

Thank you.

Peter deFur

At 01:28 PM 3/17/2009, you wrote:

>Peter,

>

>As I am sure you are aware, Oregon DEQ and EPA split responsibilities and leads on both the Arkema and Portland Harbor project. EPA is the lead for the in-water RI/FS and the Arkema sediment in-water Early Action. DEQ is the lead for upland source control and upland cleanup.

>As

>the DEQ project manager for the Arkema site, I am responding to your e-mail representing the DEQ half of the project.

>

>1. DEQ does maintain an e-mail list of parties interested in the Portland Harbor Project which we use for notices, etc. I will see that you are added to this list.

>

>2. Regarding your impression that you were already on the notification and distribution list for all documents related to the Arkema cleanup. I am not aware of any agreement with DEQ to provide upland documents.

>It may be an understanding that you have with EPA for the Early Action
>(in-water) aspect of the project.
>
>With the need to closely coordinate upland and in-water activities at
>the Arkema site, DEQ and EPA share project documents. EPA posts the
>majority of Arkema project documents (both upland and in-water related)
>on their web page. The upland ecological and human health risk
>assessment documents you referenced relate to the upland project and
>are
>not part of the source control or in-water effort other than as
>background information. DEQ has accepted the revised Upland Human
>Health Risk Assessment for Arkema, and our review of the revised Upland
>Ecological Risk Assessment will be completed this week. Public comment
>on project documents such as risk assessments are not part of DEQ's
>public involvement program and public comment on them are not required
>by statute or rule. Documents such as risk assessments are part of the
>administrative record that forms the basis for DEQ proposed actions
>that
>are subject to public notice and comment. That said, if a member of the
>community wanted to actively participate in elements of the upland
>project beyond the standard check in points, DEQ would work with them.
>
>3. The public notice was issued March 9, and the 30 day comment period
>closes April 8, 2009. I am certainly available to answer any questions
>that you have regarding DEQ's proposed source control action, but DEQ
>is
>not willing to extend the public comment period at this time.
>
>4. DEQ is interpreting your request for notification regarding
Portland
>Harbor Project documents as a request to EPA and for in-water RI/FS
>related documents. Since DEQ is actively managing approximately 60
>upland projects, there are hundreds of upland project related documents
>that are received by DEQ yearly. If you are interested in a specific
>upland project or upland document, you can either:
>
> A. Request documents through DEQ's file review process by
>contacting
>
>Dawn Weinberger
>ECSI Records Specialist
>2020 SW Fourth Avenue, Ste. 400
>Portland, OR., 97201
>503-229-6729
>Fax: 503-229-6899
>Weinberger.Dawn@deq.state.or.us
>
> B. Or, Requesting the project document through EPA.
>
>
>Matt McClincy
>Oregon Department of Environmental Quality
>Northwest Region
>2020 SW Fourth Ave., Suite 400
>Portland, Oregon 97201-4987
>Phone 503-229-5538
>Fax 503-229-6945
>
>
>-----Original Message-----
>From: Peter deFur [mailto:pldefur@igc.org]
>Sent: Friday, March 13, 2009 9:49 AM
>To: MCCLINCY Matt; Humphrey.Chip@epamail.epa.gov;
>Smith.Judy-epamail.epa.gov; ANDERSON Jim M
>Cc: WILLIAMS Travis
>Subject: Arkema and future documents
>
>Matt, Jim, Chip and Judy-
>
>The presentation on the Arkema site cleanup was highly informative
>and will enable me to better review the documents on the cleanup
>plan. I was surprised to learn that the groundwater cleanup plan had
>been released for public comment because I had received no notice of
>same. The materials on the web site seem to indicate that the report
>was released March 2 and that there is a public comment period
>closing April 8, 2009.
>
>I appreciate someone sending me the disk with the full report on it,
>whoever that is/was.
>
>I was under the impression that I was already on the notification and
>distribution list for all documents related to this site clean up,
>but I was obviously wrong in that assumption. I see that at least two
>other documents, an ecological and a human health risk assessment
>have been released and are on the web. I did not see anything about
>public comments on either of these two documents.
>
>The other item that is not entirely straightforward is that the
>Arkema site is part of the source control/upland cleanup, and as such
>I am sure that members of the public expect to find the relevant
>reports on the OR web site, but these are on the EPA web site. I'd
>ask to make sure there is plenty of notice on the OR site that the
>documents are available on the EPA web site.
>
>I have two official requests:
>
>1) I am formally requesting an extension of the public comment period
>for the Arkema groundwater cleanup plan report that is now out for
>public comment because the TAG consultant was not notified of the
>availability of the document until 10 days after the report was made
>available and the comment period began. My request is to extend the

>comment period until April 20th, 30 days after I was notified of the
>availability of the document and the 30 day comment period.
>
>2) I am requesting electronic notification or delivery of any and all
>documents, reports, data or other information regarding the Portland
>Harbor cleanup.
>
>Please let me know as soon as possible if I need to make either or
>both of these formal requests in any other form than this email.
>
>Thank you,
>
>
>Peter deFur
>
>Dr. Peter L. deFur
>Environmental Stewardship Concepts
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>Richmond VA 23238
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